



PATENT  
Attorney Docket Nos.: 00537/169002 and  
073/US/PCT/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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IN RE APPLICATION OF : EXAMINER: WEGERT, Sandra L.  
Zheng Xin DONG *et al.* :  
APPLICATION NO.: 09/674,597 : ART UNIT: 1647  
FILED: April 9, 2001 :  
FOR: PTH2 RECEPTOR SELECTIVE :  
COMPOUNDS :  
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Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING**  
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*Alan F. Feeney*  
Alan F. Feeney, Esq.

Sir:

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT  
(37 CFR §1.121)

In response to the Notice of Non-Compliant Amendment under  
37 C.F.R. §1.121 mailed on February 6, 2006, the period for  
response there having been extended so as to expire on July 6,  
2006 pursuant to Applicants' Petition for Extension of Time filed  
concurrently with this Reply, Applicants respectfully aver that  
the Reply Under 37 C.F.R. 1.111 mailed October 11, 2005 was  
proper and requests entry thereof. The reason provided for the  
refusal to enter Applicants' October 11, 2005 reply were  
"[a]pplicants may not withdraw claims to overcome rejections,  
such as claims 11, 12, 15, 25, 26 and 29 (Remarks, 10/12/05, page

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23)...[and that] [c]laims should be canceled to remove them from further prosecution." A careful reading of Applicants' response would have indicated that claims 11, 12, 15, 25, 26 and 29 were withdrawn from consideration in response to the restriction requirement imposed by the Examiner. As noted in the Office Action mailed May 14, 2004, the Examiner, at page 2 thereof, stated that claims 1-3, 7, 9-15 and 23-29 [were] under examination" having withdrawn claims 4-6, 8, 16-22 and 30-47 from consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Invention. In an Office Action mailed April 11, 2005, the Examiner rejected claims 1-3, 7, 9-15 and 23-29 as being drawn to unelected subject matter. In the rejected reply at page 24, paragraph 5, Applicant withdrew claims 11, 12, 15, 25, 26 and 29 in response to the restriction requirement arguing the impropriety thereof and requesting rejoinder thereof. As such, Applicants contend that withdrawing said claims was not done to overcome a substantive rejection, but in response to an improper and legally unsupported restriction requirement, however, in an effort to be responsive, Applicants herein amend claims 9-14, rescind the withdrawal of claims 15, 25, 26 and 29 and add new claims 48-51.

Applicants respectfully request the entry of the below amended claims set with revised remarks.

The present amendments follow the revised amendment practice mandated by 37 C.F.R. 1.121 effective July 30, 2003.

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Claims pending in the application are listed on pages 4-25 of this paper.

Applicant's Remarks begin on page 26 of this paper.